

LOUISIANA GAMING CONTROL BOARD

1/19/99

Minutes of December 15, 1998

APPROVED

The Louisiana Gaming Control Board held a meeting on Tuesday, December 15, 1998, 10:00 a.m., House Committee Room 1, of the Louisiana State Capitol.

Present at the meeting were Hillary J. Crain, Chairman; Robert Fleming, Vice-Chairman; James Boyer, Gen. Sherian Cadoria, Marcia Morgan and Rupert Richardson. Absent were board members Ralph Perlman, Sec.-Treasurer, Dudley Lastrapes, Ecotry Fuller, and ex-officio members Col. W.R. "Rut" Whittington and Sec. John N. Kennedy.

The meeting was called to order. Gen. Cadoria made a motion to approve the minutes of the November meeting. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

Ms. Charlotte McGarr, auditor with Louisiana State Police, provided the monthly riverboat revenue to the Board. Mr. Mike Legendre, auditor in the Video Gaming Division, presented the video revenue, and Sgt. Richard Fleming, Louisiana State Police Indian Casino Division, presented the Indian gaming revenue.

Ms. Claudeidra Minor, Asst. Attorney General in the Gaming Division, addressed the Board concerning a Petition for Modification of Procurement filed by St. Charles Gaming and Grand Palais. Since these two casinos are in the process of being investigated for their renewal licenses, the Board decided to defer action on the petition until the renewal process is complete.

The Chairman then called upon Mr. Wade Duty, Asst. Attorney General in the Gaming Division, to present to board members the cruising report on Isle of Capri (Grand Palais) in Lake Charles. This particular vessel has canceled 50.5% of its total scheduled cruises.

The Board has reviewed the cruising schedules of all casinos except for the Isle of Capri Lake Charles, which is a sister boat to Grand Palais. Their cruising report will be presented at the next meeting. The Chairman raised the possibility of an alternate bad weather cruising route and suggested that the industry should express their views with reference to such after the last report. The Board will then decide what measures should be taken for better compliance with state regulations regarding cruising.

Next on the agenda was a discussion on sanctions for failure to provide information in a video poker application. The Board decided to have state police decide if the omission is intentional and if so they should proceed with administrative action to deny the license.

The Board then acted on a petition for a declaratory order of a proposed truckstop project in St. Martinville. It was moved by Judge Fleming that the Board consider the park across the street from the proposed site a playground, making the site an unsuitable location for a truckstop. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The next item on the agenda was a petition for a declaratory order for a proposed truckstop

relocation.

It was moved by Ms. Morgan that the truckstop would have to relocate and establish a fuel sales record. Once the required amount of fuel sales were met, then the applicant could apply for the video poker license at its new location. That motion was seconded by Mr. Boyer and unanimously approved by the Board.

Mr. Jay Quinlan, Asst. Attorney General in the Gaming Division, discussed the need for the Board to readopt emergency rules dealing with the land based casino. These rules needed to be readopted as emergency rules because the emergency status would expire prior to the time they could be adopted as permanent rules.

A motion to readopt the rules both as emergency and permanent rules was made by Ms. Richardson, seconded by Vice-Chairman Fleming, and unanimously approved by the Board.

Mr. Boyer moved to adopt Rule LAC 42:XI.2407 and 2413 dealing with video poker. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

It was moved by Ms. Richardson to go into executive session to discuss pending litigation. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

Following the executive session, the Board returned to the regular session.

The Board acted upon hearing officers' hearings/recommendations in the following cases:

1. **In Re: Laurie Granger** - Motion to reverse Hearing Officer recommendation and revoke license by Gen. Cadoria, seconded by Mr. Boyer. Chairman Crain, Vice-Chairman Fleming, Gen. Cadoria, Mr. Boyer and Ms. Morgan voted to revoke certification. Ms. Richardson voted against the revocation.
2. **In Re: Bubba's (Rehearing)** - Motion to deny rehearing by Mr. Boyer, seconded by Ms. Richardson, unanimously approved by the Board.
3. **In Re: Lucky Spot Diner** - Motion by Vice-Chairman Fleming to adopt hearing officer's recommendation, seconded by Ms. Richardson and unanimously approved by the Board.
4. **In Re: Shawn Batiste** - Motion by Mr. Boyer to affirm hearing officer's recommendation, seconded by Ms. Morgan and unanimously approved by the Board.
5. **In Re: O'Henry's Food & Spirits #2**
In Re: O'Henry's Food & Sprits # 3 - Motion by Vice-Chairman Fleming to continue these cases until January, seconded by Mr. Boyer and unanimously approved by the Board.

There being no further business, General Cadoria made a motion to adjourn. That motion was seconded by Mr. Boyer and unanimously approved by the Board.

The meeting was then adjourned.